## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket No.

5061.3 P

In re Application of:

Cao

Application No.

10/017,455

Filed:

2.

FC:1814

12132001

For:

**Dental Curing Light** 



## RECEIVED

JAN 0 8 2004

**TECHNOLOGY CENTER R3700** 

The owner. Cao Group, Inc. interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent g granted on pending second Application Number 10/017,272, filed on 12/13/2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during granted on pending second Application Number

such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

| 1. | For submissions    | on behalf  | of ar   | n organization | (e.g.,  | corporation,   | partnership, | university, | government |
|----|--------------------|------------|---------|----------------|---------|----------------|--------------|-------------|------------|
|    | agency, etc.), the | undersigne | d is ei | mpowered to a  | ct on b | ehalf of the o | rganization. | •           | · ·        |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

| 3. | Owner/applicant is          |       | Small entity      | $\boxtimes$ | Large entity |                               |
|----|-----------------------------|-------|-------------------|-------------|--------------|-------------------------------|
| Th | e terminal disclaimer fee u | under | 37 CFR 1.20(d) is |             |              | and is to be paid as follows: |
|    | A =                         |       |                   |             |              |                               |

A check in the amount of the fee is enclosed.

The undersigned is an attorney of record.

| The Commissioner is hereby | authorized to charge ar | ny fees which may be required, or credit any overpayment |
|----------------------------|-------------------------|--|
| to Deposit Account Number  | 50-0581                 | A duplicate copy of this sheet is enclosed.              |

PTO suggested wording for terminal disclaimer was

| unchanged.            | changed (if changed, an explanation should be supplied | ed. |
|-----------------------|--|-----|
| <br>AAAAA153 500584 ( | 10014455   |     |

01 06/2004 CNGUYEN 00000153 500581

Dated:

12/26/2003

Name and Address of Person Signing

Signature

**Daniel McCarthy** Parsons, Behle & Latimer 201 South Main Street, Suite 1800 Salt Lake City, Utah 84111 (801) 532-1234

I certify that this document and fee is being deposited on 12/26/2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Daniel McCarthy

Typed or Printed Name of Person Mailing Correspondence

## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket No.

5061.3 P

| In re Application of: Cao  | RECEIVED   |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|
| Application No. 10/017,455   |  |  |  |  |  |  |  |  |
| Filed: 12132001 DEC 2 9 2003   | JAN 0 8 2004   |  |  |  |  |  |  |  |
| For: Dental Curing Light   | TECHNOLOGY CENTER R3700  |  |  |  |  |  |  |  |
| The owner, Cao Group, I interest in the instant application hereby disclaims, excany patent granted on the instant application, which w defined in 35 U.S.C. 154 to 156 and 173 as shortened granted on pending second Application Number The owner hereby agrees that any patent so granted o | cept as provided below, the terminal part of the statutory term of rould extend beyond the expiration date of the full statutory term by any terminal disclaimer filed prior to the grant of any patent g  10/016,992 , filed on 12/13/2001  on the instant application shall be enforceable only for and during application are commonly owned. This agreement runs with  |  |  |  |  |  |  |  |
| application that would extend to the expiration date of to<br>of any patent granted on the second application, as sh<br>in the event that any such granted patent: expires for<br>invalid by a court of competent jurisdiction, is statutor  | disclaim the terminal part of any patent granted on the instant the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 fortened by any terminal disclaimer filed prior to the patent grant, failure to pay a maintenance fee, is held unenforceable, is found rily disclaimed in whole or terminally disclaimed under 37 CFR ertificate, is reissued, or in any manner terminated prior to the terminal disclaimer filed prior to its grant. |  |  |  |  |  |  |  |
| Check either box 1 or 2, if appropriate.   |  |  |  |  |  |  |  |  |
| 1.   | nization (e.g., corporation, partnership, university, government red to act on behalf of the organization.   |  |  |  |  |  |  |  |
| information and belief are believed to be true; and fur willful false statements and the like so made are puni-  | my own knowledge are true and that all statements made on<br>ther that these statements were made with the knowledge that<br>shable by fine or imprisonment, or both, under Section 1001 of<br>I statements may jeopardize the validity of the application or any  |  |  |  |  |  |  |  |
| 2.   |  |  |  |  |  |  |  |  |
| 3. Owner/applicant is  |  |  |  |  |  |  |  |  |
| The terminal disclaimer fee under 37 CFR 1.20(d) is  | and is to be paid as follows:  |  |  |  |  |  |  |  |
| ☐ A check in the amount of the fee is enclosed.  |  |  |  |  |  |  |  |  |
| ☐ The Commissioner is hereby authorized to charg to Deposit Account Number   | ge any fees which may be required, or credit any overpayment, A duplicate copy of this sheet is enclosed.  |  |  |  |  |  |  |  |
| PTO suggested wording for terminal disclaimer was  |  |  |  |  |  |  |  |  |
| ☐ unchanged. ☐ changed (if changed, an explanation should be supplied.)  72004 CNGUYEN 00000153 500581 10014435  |  |  |  |  |  |  |  |  |
| 440.00.00  | Dated: 12/26/2003  |  |  |  |  |  |  |  |
| :1814 110.00 bH Signature  |  |  |  |  |  |  |  |  |
| Name and Address of Person Signing  Daniel McCarthy  | I certify that this document and fee is being deposited on 12/26/2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.   |  |  |  |  |  |  |  |
| Parsons, Behle & Latimer   |  |  |  |  |  |  |  |  |
| 201 South Main Street, Suite 1800  | Signature of Person Mailing Correspondence   |  |  |  |  |  |  |  |
| Salt Lake City, Utah 84111   |  |  |  |  |  |  |  |  |

(801) 532-1234

01/06 03 F0

**Daniel McCarthy** 

Typed or Printed Name of Person Mailing Correspondence

## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket No. 5061.3 P

In re Application of: Cao RECEIVED 10/017,4 Application No. Filed: 12132001 JAN 0 8 2004 For: **Dental Curing Light** TECHNOLOGY CENTER R3700 Cao Group, Inc. interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent g granted on pending second Application Number 10/017,454, filed on 12/13/2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during granted on pending second Application Number such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant,

in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant. Check either box 1 or 2, if appropriate.

| 1. | $\sqcup$ | For submissions    | on behalf  | of a    | an organization | (e.g.,  | corporation,   | partnership,  | university, | government |
|----|----------|--------------------|------------|---------|-----------------|---------|----------------|---------------|-------------|------------|
|    |          | agency, etc.), the | undersigne | ed is e | empowered to a  | ct on b | ehalf of the c | organization. | •           | _          |
|    |          |                    |            |         |                 |         |                |               |             |            |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

|      | 3.       | Owner/applicant is                             | □ s              | mall entity               | $\boxtimes$ | Large entit                  | ty   |                          |
|------|----------|--|------------------|---------------------------|-------------|------------------------------|--|--------------------------|
|      | Th       | e terminal disclaimer fee                      | under 37         | CFR 1.20(d)               | is          |                              | and is to be paid a  | s follows:               |
|      |          | A check in the amount                          | of the fee       | is enclosed.              |             |                              |  |                          |
|      |          | The Commissioner is h<br>to Deposit Account Nu | ereby aut        | horized to cha<br>50-0581 | arge an     | y fees whicl<br>. A duplicat | h may be required, or credit a<br>te copy of this sheet is enclo | any overpayment,<br>sed. |
|      | РТО      | suggested wording for te                       |                  |                           |             |                              |  |                          |
| 01/0 | ,/2004 C | ☐ unchanged                                    | ☐ cha<br>0014455 | nged (if chan             | ged, an     | explanation                  | n should be supplied.)   |                          |
|      | :1814    | 110.00 DA Signatu                              | ra               |                           |             | Dated:                       | 12/26/2003   |                          |
|      |          | U15/14111                                      |                  |                           |             |                              |  |                          |

Name and Address of Person Signing

The undersigned is an attorney of record

**Daniel McCarthy** Parsons, Behle & Latimer 201 South Main Street, Suite 1800 Salt Lake City, Utah 84111 (801) 532-1234

I certify that this document and fee is being deposited on 12/26/2003 with the U.S. Postal Service as first class mail under 37 C.E.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

**Daniel McCarthy** 

Typed or Printed Name of Person Mailing Correspondence

|   | Termin<br>Patent   |   | Docket No. ///<br>5061.3 P  |   |  |  |  |  |  |  |
|---|--|---|---|---|--|--|--|--|--|--|
|   | In Re Application Of: C  | In Re Application Of: Cao   |   |   |  |  |  |  |  |  |
| • | Serial No.   | Filing Date TRADE   | Examiner  | Group Art Unit  |  |  |  |  |  |  |
| ١ | 10/017,455   | 12/13/2001  | Lewis   | 3732  |  |  |  |  |  |  |
| 1 | Invention: Dental Curin  | ng Light  |   |   |  |  |  |  |  |  |
| u |  | . '   |   | RECEIVED JAN 0 8 2004   |  |  |  |  |  |  |
|   | Owner of Record: Cao   | Group, Inc.   | TECHN   | O 2004<br>OLOGY CENTER R3700  |  |  |  |  |  |  |
|   |  | TO THE ACCIONANT COM  | MISSIONER FOR PATENTS:  | ·   |  |  |  |  |  |  |
|   | provided below, the termina the expiration date of the f disclaimer, of prior Patent N be enforceable only for and patent granted on the instantian In making the about application that would extend patent, as presently shorter held unenforceable, is found under 37 C.F.R. 1.321, has the expiration of its full statu.  Check either box 1  1. For submissions of undersigned is empowered to the property of the provided | al part of the statutory term of any part of the statutory term defined in 35 U.S. do. 6,331,111. The owner herely defined by the statutory term defined in 35 U.S. do. 6,331,111. The owner herely defined by the period that it and the not application and is binding upon the over disclaimer, the owner does not do to the expiration date of the full statuted by any terminal disclaimer, in the dinvalid by a court of competent just all claims cancelled by a reexaminatory term as presently shortened by or 2 below, if appropriate.  On behalf of an organization (e.g., or to act on behalf of the organization. It all statements made herein of believed to be true; and further that made are punishable by fine or im | ercent interest in the instant application attent granted on the instant application is considered. S.C. 154 to 156 and 173, as presently agrees that any patent so granted appropriate prior patent are commonly owned. The grantee, its successors and/or assign that disclaim the terminal part of any statutory term as defined in 35 U.S.C. The event that it later expires for failuration certificate, is reissued, or is in any terminal disclaimer.  Corporation, partnership, university, of my own knowledge are true and these statements were made with apprisonment, or both, under Section are the validity of the application or an experience. | on, which would extend beyond only shortened by any terminal on the instant application shall. This agreement runs with any gns.  patent granted on the instant 154 to 156 and 173 of the prior re to pay a maintenance fee, is whole or terminally disclaimed any manner terminated prior to government agency, etc.), the that all statements made on the knowledge that willful false 1001 of Title 18 of the United |  |  |  |  |  |  |
|   | 2/2004 CNGUYEN 00000153 50058  | s an attorney of record. 10014455 Signature   | Dated: 12/26/2003   |   |  |  |  |  |  |  |
|   | Dani   | el McCarthy   |   |   |  |  |  |  |  |  |
|   | Terminal disclaimer PTO suggested wo   | or Printed Name  r fee under 37 C.F.R. 1.20(d) include rding for terminal disclaimer was und 37 C.F.R. 3.73(b) is required if termin  |   | nee.  |  |  |  |  |  |  |

P32/REV01

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